

SENATE BILL 17

D4, D1
SB 675/21 – JPR

(PRE-FILED)

2lr0998
CF HB 561

By: **Senator West**

Requested: October 28, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 13, 2022

CHAPTER _____

1 AN ACT concerning

2 **Child Custody – Cases Involving Child Abuse or Domestic Violence – Training**
3 **for Judges**

4 FOR the purpose of requiring the Maryland Judiciary, in consultation with domestic
5 violence and child abuse organizations, to develop a training program for judges
6 presiding over child custody cases involving child abuse or domestic violence;
7 requiring a judge who hears child custody cases involving child abuse or domestic
8 violence to receive certain child custody training or continued training; and generally
9 relating to the training of judges for child custody cases involving child abuse or
10 domestic violence.

11 BY adding to
12 Article – Family Law
13 Section 9–101.3
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2021 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Family Law**

19 **9–101.3.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CHILD ABUSE” HAS THE MEANING STATED IN § 5-701 OF THE FAMILY LAW ARTICLE.

(3) “DOMESTIC VIOLENCE” HAS THE MEANING STATED IN § 4-701 OF THE FAMILY LAW ARTICLE.

~~(A)~~ (B) THE MARYLAND JUDICIARY, IN CONSULTATION WITH DOMESTIC VIOLENCE AND CHILD ABUSE ORGANIZATIONS, SHALL:

(1) DEVELOP A TRAINING PROGRAM FOR JUDGES PRESIDING OVER CHILD CUSTODY CASES INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE; AND

(2) REVIEW AND UPDATE THE TRAINING PROGRAM AT LEAST ONCE EVERY 2 YEARS.

~~(B)~~ (C) THE TRAINING PROGRAM DESCRIBED UNDER SUBSECTION ~~(A)~~ (B) OF THIS SECTION SHALL INCLUDE TRAINING ON:

(1) THE TYPICAL BRAIN DEVELOPMENT OF INFANTS AND CHILDREN;

(2) THE IMPACT OF ADVERSE CHILDHOOD EXPERIENCES, TRAUMA, COMPLEX TRAUMA, AND CHRONIC TOXIC STRESS ON A CHILD’S BRAIN DEVELOPMENT AND THE WAYS THAT A CHILD’S RESPONSE TO TRAUMA VARIES;

(3) THE PROCESS FOR INVESTIGATING A REPORT OF SUSPECTED CHILD ABUSE OR CHILD SEXUAL ABUSE, INCLUDING:

(I) THE ROLE OF CHILD ADVOCACY CENTERS AND FORENSIC INTERVIEWS;

(II) THE LIMITATIONS OF LOCAL DEPARTMENTS OF SOCIAL SERVICES IN INVESTIGATING REPORTS OF SUSPECTED CHILD ABUSE AND CHILD SEXUAL ABUSE; AND

(III) THE LIMITATIONS OF THE INVESTIGATION PROCESS, INCLUDING THAT CHILD ABUSE AND CHILD SEXUAL ABUSE MAY HAVE OCCURRED EVEN WITHOUT AN INDICATED FINDING OF ABUSE, ANY PHYSICAL EVIDENCE OF ABUSE, OR A VERBAL DISCLOSURE OF ABUSE BY THE CHILD;

(4) THE DYNAMICS AND EFFECTS OF CHILD SEXUAL ABUSE, INCLUDING GROOMING BEHAVIORS AND THE DISCLOSURE OF CHILD SEXUAL ABUSE

1 BASED ON THE DEVELOPMENTAL STAGES OF THE CHILD, INCLUDING DELAYED
2 DISCLOSURE;

3 (5) THE DYNAMICS AND EFFECTS OF PHYSICAL AND EMOTIONAL
4 CHILD ABUSE;

5 (6) THE DYNAMICS AND EFFECTS OF DOMESTIC VIOLENCE,
6 INCLUDING COERCIVE CONTROL, LETHALITY ASSESSMENTS, LITIGATION ABUSE,
7 AND THAT DOMESTIC VIOLENCE CAN OCCUR WITHOUT A PARTY SEEKING OR
8 OBTAINING A PROTECTIVE ORDER OR WITHOUT DOCUMENTED EVIDENCE OF ABUSE;

9 (7) THE IMPACT OF EXPOSURE TO DOMESTIC VIOLENCE ON
10 CHILDREN AND THE IMPORTANCE OF CONSIDERING THE IMPACT OF EXPOSURE TO
11 DOMESTIC VIOLENCE ON CHILDREN WHEN MAKING CHILD CUSTODY AND
12 VISITATION DECISIONS;

13 (8) THE POTENTIAL IMPACTS OF EXPLICIT AND IMPLICIT BIAS ON
14 CHILD CUSTODY DECISIONS;

15 (9) BEST PRACTICES TO ENSURE THAT REASONABLE AND FEASIBLE
16 PROTECTIVE MEASURES ARE TAKEN TO REDUCE THE RISK OF TRAUMATIZING OR
17 RETRAUMATIZING A CHILD THROUGH THE COURT PROCESS, INCLUDING AVAILABLE
18 METHODS TO OBTAIN RELEVANT INFORMATION WITHOUT THE NECESSITY OF
19 REPEATED, DETAILED TESTIMONY FROM THE CHILD;

20 (10) AVAILABLE PROTECTIONS FOR FAMILIES, INCLUDING THE
21 SEALING OF RECORDS;

22 (11) ~~PARENTAL ALIENATION, INCLUDING:~~

23 ~~(I) THE ORIGINS OF PARENTAL ALIENATION;~~

24 ~~(II) THE INVALIDITY OF PARENTAL ALIENATION AS A~~
25 ~~SYNDROME; AND~~

26 ~~(III) THE INAPPROPRIATENESS OF THE USE OF PARENTAL~~
27 ~~ALIENATION IN CHILD CUSTODY CASES;~~

28 ~~(12)~~ THE LIMITATIONS OF SEXUAL OFFENDER EVALUATIONS AND RISK
29 ASSESSMENTS;

30 ~~(13)~~ (12) THE TOOLS COURTS CAN USE TO ASSESS THE CREDIBILITY
31 OF A CHILD WITNESS AND INFORMATION ON HOW CHILD THERAPY METHODS,
32 INCLUDING EXPRESSIVE ARTS, ARE LEGITIMATE THERAPEUTIC TOOLS TO MEASURE

1 THE DEGREE OF TRAUMATIC IMPACT AND THE EFFECTIVENESS OF THERAPEUTIC
2 AND SYSTEM INTERVENTION;

3 ~~(14)~~ (13) THE CORRELATION BETWEEN CHILD SEXUAL ABUSE AND
4 CHILD PORNOGRAPHY; AND

5 ~~(15)~~ (14) STANDARDS FOR THE KNOWLEDGE, EXPERIENCE, AND
6 QUALIFICATIONS OF CHILD SEXUAL ABUSE EVALUATORS AND TREATMENT
7 PROVIDERS AND THE LEGAL AND ETHICAL CONSIDERATIONS OF APPOINTING AN
8 UNQUALIFIED CHILD SEXUAL ABUSE EVALUATOR OR ALLOWING AN EVALUATOR TO
9 PRACTICE OUTSIDE THE EVALUATOR'S FIELDS OF EXPERTISE.

10 ~~(c) (d)~~ (1) ~~AN ORGANIZATION PROVIDING TRAINING UNDER~~
11 ~~SUBSECTION (B) OF THIS SECTION ON CHILD ABUSE MUST HAVE AT LEAST 3 YEARS'~~
12 ~~EXPERIENCE IN TRAINING PROFESSIONALS ON CHILD ABUSE OR HAVE PERSONNEL~~
13 ~~OR PLANNING COMMITTEE MEMBERS WHO HAVE AT LEAST 5 YEARS' EXPERIENCE IN~~
14 ~~WORKING DIRECTLY IN THE FIELD OF CHILD ABUSE PREVENTION AND TREATMENT~~
15 AN INDIVIDUAL TRAINER OR ORGANIZATION PROVIDING TRAINING ON CHILD ABUSE
16 UNDER SUBSECTION (C) OF THIS SECTION SHALL POSSESS OR HAVE PERSONNEL
17 POSSESSING AT LEAST 5 YEARS' EXPERIENCE IN DIRECTLY ASSISTING ABUSE
18 SURVIVORS ENGAGED IN CUSTODY LITIGATION, INCLUDING CASES INVOLVING
19 CHILD ABUSE OR AT LEAST 5 YEARS' PROFESSIONAL EXPERIENCE IN PROVIDING
20 EXPERT ASSESSMENT, PROTECTION, AND TREATMENT TO SURVIVORS OF CHILD
21 ABUSE.

22 ~~(2) AN ORGANIZATION PROVIDING TRAINING UNDER SUBSECTION (B)~~
23 ~~OF THIS SECTION ON DOMESTIC VIOLENCE MUST HAVE AT LEAST 3 YEARS'~~
24 ~~EXPERIENCE IN TRAINING PROFESSIONALS ON DOMESTIC VIOLENCE OR HAVE~~
25 ~~PERSONNEL OR PLANNING COMMITTEE MEMBERS WHO HAVE AT LEAST 5 YEARS'~~
26 ~~EXPERIENCE IN WORKING DIRECTLY IN THE FIELD OF DOMESTIC VIOLENCE~~
27 ~~PREVENTION AND TREATMENT~~ AN INDIVIDUAL TRAINER OR ORGANIZATION
28 PROVIDING TRAINING ON DOMESTIC VIOLENCE UNDER SUBSECTION (C) OF THIS
29 SECTION SHALL POSSESS OR HAVE PERSONNEL POSSESSING AT LEAST 5 YEARS'
30 EXPERIENCE IN DIRECTLY ASSISTING ABUSE SURVIVORS ENGAGED IN CUSTODY
31 LITIGATION, INCLUDING CASES INVOLVING DOMESTIC VIOLENCE OR AT LEAST 5
32 YEARS' PROFESSIONAL EXPERIENCE IN PROVIDING EXPERT ASSESSMENT,
33 PROTECTION, AND TREATMENT TO SURVIVORS OF DOMESTIC VIOLENCE.

34 ~~(D)~~ (E) THE MARYLAND JUDICIARY SHALL ADOPT PROCEDURES,
35 INCLUDING THE UNIFORM SCREENING OF INITIAL PLEADINGS, TO IDENTIFY CHILD
36 CUSTODY CASES THAT MAY INVOLVE CHILD ABUSE OR DOMESTIC VIOLENCE AS SOON
37 AS POSSIBLE TO ENSURE THAT ONLY JUDGES WHO HAVE RECEIVED TRAINING
38 UNDER THIS SECTION ARE ASSIGNED THOSE CASES.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Family Law

9–101.3.

~~(E)~~ **(F)** (1) WITHIN A JUDGE’S FIRST YEAR OF PRESIDING OVER CHILD CUSTODY CASES INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE, THE JUDGE SHALL RECEIVE AT LEAST 20 HOURS OF INITIAL TRAINING APPROVED BY THE MARYLAND JUDICIARY THAT MEETS THE REQUIREMENTS OF SUBSECTION ~~(B)~~ **(C)** OF THIS SECTION.

(2) A JUDGE WHO HAS RECEIVED THE INITIAL TRAINING UNDER PARAGRAPH (1) OF THIS SUBSECTION AND WHO CONTINUES TO PRESIDE OVER CHILD CUSTODY CASES INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE SHALL RECEIVE AT LEAST AN ADDITIONAL 5 HOURS OF TRAINING THAT MEETS THE REQUIREMENTS OF SUBSECTION ~~(B)~~ **(C)** OF THIS SECTION EVERY 2 YEARS.

(3) A JUDGE WHO IS ASSIGNED TO PRESIDE OVER A CHILD CUSTODY CASE INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE MORE THAN 3 YEARS AFTER RECEIVING THE INITIAL TRAINING DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL REGISTER FOR AND ATTEND THE NEXT OFFERED INITIAL TRAINING.

(4) THE MARYLAND JUDICIARY SHALL REPORT THE NAME OF A JUDGE WHO DOES NOT COMPLY WITH THE TRAINING REQUIREMENTS OF THIS SUBSECTION TO THE COMMISSION ON JUDICIAL DISABILITIES.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2024.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2022.